

IC 3-11-12

Chapter 12. Voting by Voting Machine

IC 3-11-12-1

Application of chapter

Sec. 1. This chapter applies to each precinct where voting is by voting machine.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-1.1

County election board use of voting machine system

Sec. 1.1. A county election board may use an approved voting machine system:

- (1) in any election;
- (2) in all or in some of the precincts within a political subdivision holding an election; and
- (3) instead of or in combination with any other voting method.

As added by P.L.3-1987, SEC.290.

IC 3-11-12-2

Ballot labels; printing; paper ballots for write-in voters

Sec. 2. (a) The county election board shall furnish ballot labels. The board shall have them printed:

- (1) in black ink on clear white material;
- (2) in the size that will fit in a voting machine; and
- (3) in plain, clear type as space will reasonably permit.

(b) The county election board may also provide paper ballots printed as prescribed in IC 3-11-2-6 for a voter desiring to cast a write-in ballot.

As added by P.L.5-1986, SEC.7. Amended by P.L.4-1991, SEC.104.

IC 3-11-12-3

Ballot labels; political parties distinguished by color; party device and party name

Sec. 3. Political parties may be distinguished in a primary election by the use of different colored ballot labels. The party device for a political party that has been adopted in accordance with IC 3-8 and the party name or other designation shall be prefixed to the list of candidates of the party.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-4

Sample ballots; requirements

Sec. 4. The election division shall provide each county election board with the number of sample ballots the county election board considers adequate for each precinct. The sample ballots must be:

- (1) exact copies of the official ballots furnished by the election division; and
- (2) printed on different colored paper from the official ballots.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.291;

P.L.2-1996, SEC.189; P.L.3-1997, SEC.314.

IC 3-11-12-5

Sample ballots; packaging and delivery

Sec. 5. The election division shall enclose the sample ballots in a separate wrapper or envelope from that of other papers delivered by the election division to the county clerk and deliver them to the clerk or the messenger authorized by the clerk to receive the ballots.

As added by P.L.5-1986, SEC.7. Amended by P.L.2-1996, SEC.190; P.L.3-1997, SEC.315.

IC 3-11-12-6

Sample ballots; five for each precinct; arrangement as to appear on machine

Sec. 6. Each county election board shall provide the number of sample ballots it considers adequate for each precinct of the county. The county election board shall arrange the sample ballots in the form of a diagram showing the entire front of a voting machine as it will appear after the ballot labels have been arranged on the machine for voting on election day.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.292.

IC 3-11-12-7

Sample ballots; arrangement on ballot

Sec. 7. The county election board shall arrange:

- (1) the political party and independent tickets;
- (2) the offices to be filled;
- (3) the names of the candidates; and
- (4) the public questions;

on the sample ballots in the same order in which they will occur on the official ballots printed under the jurisdiction of the election division and the county election board. However, if presidential electors are to be voted for at an election, then the first ballot label of each party or independent ticket must be in the form prescribed by IC 3-10-4-1.

As added by P.L.5-1986, SEC.7. Amended by P.L.10-1988, SEC.118; P.L.3-1993, SEC.160; P.L.2-1996, SEC.191; P.L.3-1997, SEC.316.

IC 3-11-12-8

repealed

(Repealed by P.L.3-1987, SEC.570.)

IC 3-11-12-9

Ticket to be arranged in accordance with sample ballots

Sec. 9. Each ticket shall be arranged on a voting machine for voting in exact accordance with the sample ballots furnished by the county election board.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-10**School district elections; arrangement of names of candidates**

Sec. 10. In school district elections the county election board shall arrange the names of candidates in alphabetical order on the voting machines in such a way that the name of each candidate appears in the same column of each machine used in each precinct.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-11**Comparison and certification of sample ballots and supplied ballots; posting of sample ballots**

Sec. 11. (a) Before the opening of the polls, the precinct election board shall compare the ballot labels with the sample ballots furnished and determine whether the names, numbers, and letters are in agreement. The board then shall certify that the ballot labels and the sample ballots are in agreement. Forms shall be provided for certification, and the certification shall be filed with the election returns.

(b) The inspector of each precinct, or a person under the direction of the inspector, shall post sample ballots near the entrance of the chute for the precinct. The ballots must be available for public inspection throughout election day.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.293.

IC 3-11-12-12**Diagrams of front of voting machine; posting**

Sec. 12. In addition to the sample ballots, the county election board may furnish diagrams (with instruction cards) of the front of the voting machine, with ballot labels pasted on the diagram. These diagrams shall be posted near the polls.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.294.

IC 3-11-12-13**Repealed**

(Repealed by P.L.3-1987, SEC.570.)

IC 3-11-12-14**Repealed**

(Repealed by P.L.3-1987, SEC.570.)

IC 3-11-12-15**Repealed**

(Repealed by P.L.3-1987, SEC.570.)

IC 3-11-12-16**Voting machine used for instructional purposes**

Sec. 16. (a) Each county election board may make available at convenient places throughout the county voting machines for the instruction of the voters. The board shall locate the machines at places where people usually assemble, such as shopping centers.

(b) The board shall have the machines attended at convenient hours designated by the board by persons able to instruct others in their use. The county chairmen of the major political parties of the state must approve the persons attending the machines under this section.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.295; P.L.7-1991, SEC.6; P.L.12-1992, SEC.10; P.L.3-1993, SEC.161; P.L.2-1996, SEC.192; P.L.3-1997, SEC.317.

IC 3-11-12-17

Voting machines used for instructional purposes to contain information as appearing on sample ballot

Sec. 17. Each voting machine used for instructional purposes must contain the names of all candidates and a description of all public questions as they will appear on the official sample ballot for machines on election day. However, the machines may not be set to record a tally or total.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-18

Putting information contained in sample ballot on each voting machine before election day

Sec. 18. Each county election board shall, before election day, have the proper ballot labels put on each voting machine with the device named and the list of candidates of each political party or independent ticket in the same order as on the sample ballot.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1993, SEC.162.

IC 3-11-12-19

Repealed

(Repealed by P.L.3-1987, SEC.570.)

IC 3-11-12-20

Rotation of names of candidates for nomination at primary election; rotation alphabetically and by precincts

Sec. 20. A county election board may require that the names of candidates for nomination at a primary election be rotated alphabetically on voting machines. If the board does so, the names shall be rotated by precincts in regular serial sequence, so that each name of a list or group of candidates for an office appears upon the machines an equal number of times, as nearly as practicable, at the top, at the bottom, and in each intermediate place under the title of the office sought.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-21

Machine to be delivered ready for use; employment of persons to label and prepare machines; appointment, term, duties, and compensation of person to observe preparation of machines

Sec. 21. (a) Before a voting machine is delivered to a precinct, the county election board shall have the machine put in order, set and adjusted, and labeled to be ready for use in voting. The board shall employ one (1) or more qualified persons to label and prepare machines in accordance with this section.

(b) While acting under subsection (a), the county election board may restrict access to parts of the room where marking devices and other election material are being handled to safeguard this material.

(c) The county chairman of each major political party of the county may appoint one (1) person to observe the ordering, setting and adjustment, and labeling of voting machines under subsection (a). The county chairman shall file the name of a person appointed with the circuit court clerk.

(d) A person appointed under subsection (c) serves until:

- (1) the county chairman notifies the circuit court clerk that the person's appointment has been revoked;
- (2) or the person dies or files a letter of resignation with the clerk.

(e) Notwithstanding subsection (b), a person appointed under subsection (c):

- (1) may attend the ordering, setting and adjustment, and labeling only as a witness;
- (2) shall remain silent and subject to the orders of the board; and
- (3) may not obstruct or interfere with the ordering, setting and adjustment, or labeling.

(f) A person appointed under subsection (c) is not entitled to compensation for services except from the political party of the county chairman making the appointment.

As added by P.L.5-1986, SEC.7. Amended by P.L.5-1989, SEC.61; P.L.3-1997, SEC.318.

IC 3-11-12-22

Machines, furniture, and appliances to be delivered to appropriate precinct at set time; transportation

Sec. 22. Each county election board shall have each voting machine, along with all necessary furniture and appliances that go with the machine at the polls, delivered to the appropriate precinct not later than 6 p.m. of the day before election day. The county executive shall provide transportation for the machines if requested to do so by the county election board.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-23

Determination of compliance with IC 3-11-12-20

Sec. 23. After the delivery of a voting machine to a precinct, the precinct election board may meet at the polls on the same day and open the package containing the sample ballots and, if necessary, the ballot labels, to determine whether the machine is ready for use in accordance with section 20 of this chapter. If a machine is not in

compliance with that section, the board shall immediately label, set and adjust, and place the machine in order or have it done.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-24

Meeting of precinct election board, poll clerks, and election sheriffs before opening of polls on election day; duties of inspector

Sec. 24. On the morning of election day, each precinct election board, the poll clerks, and the election sheriffs shall meet at the polls at least one (1) hour before the time for opening the polls. The inspector then shall have:

- (1) the chute erected;
- (2) the sample ballots and instruction cards posted; and
- (3) everything put in readiness for the commencement of voting at the opening of the polls.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-25

Determination whether machine ready for use

Sec. 25. Before the opening of the polls, each precinct election board shall:

- (1) compare the ballot labels on each voting machine with the sample ballot to see that they are correct;
- (2) see that all the counters in the machine are set at zero (0); and
- (3) see that the machine is otherwise in perfect order.

After the counters have been set at zero (0), the precinct election board may not permit the counters to be operated or moved except by voters in voting.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-26

Preparation of voting machines

Sec. 26. Each county election board shall be at its office from 5 a.m. until 6 p.m. on election day. Upon notice that a voting machine is out of order or fails to work, the board shall be ready between those hours to deliver to any precinct in the county:

- (1) necessary ballots;
- (2) election booths with an adequate number of stalls;
- (3) ballot boxes; and
- (4) all necessary supplies and equipment as required by law.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.296.

IC 3-11-12-27

Placement of voting machines

Sec. 27. The exterior of a voting machine and each area of the polls must be in plain view of the precinct election board. Each voting machine shall be placed so that a person voting on the opposite side of the railing or a person on the outside of the polls can not see or determine how a voter votes. The inspector, judges, and

poll clerks may not remain or allow any other person to remain in a position or near a position that would permit them to see or ascertain how a voter votes.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-28

Allowing persons to pass to room where voting machine situated for purpose of voting; limitations

Sec. 28. After the opening of the polls, the inspector, judges, and poll clerks may not allow any person to pass within the railing to the part of the room where a voting machine is situated, except for the purpose of voting. Except as provided in IC 3-11-9, they may not permit more than one (1) voter at a time to be in the part of the room where a machine is situated.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-29

Challenge; voting procedure

Sec. 29. (a) After a voter has signed the poll list, both judges, on request, shall give an explanation of the manner of voting.

(b) If a voter is not challenged by a member of the precinct election board, the voter may pass the railing to the side where a voting machine is and into the voting booth or compartment. There the voter shall register the voter's vote in secret by indicating:

- (1) the candidates for whom the voter desires to vote by causing a voting mark to appear on or in the squares immediately above the candidates' names; and
- (2) the voter's preference on each public question by causing a voting mark to appear above the word "yes" or "no" under the question.

(c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may cast a straight party ticket by pulling that party's lever. The voter's vote shall then be counted for all the candidates under that party name. If a voter pulls an independent ticket's lever, the voter's vote shall only be counted for the two (2) candidates comprising an independent ticket and not for any other independent candidate on the ballot.

(d) Only one (1) voter may occupy a booth or compartment at one time. Booths shall be constructed and arranged so that all members of the precinct election board can see whether more than one (1) voter enters a booth at any one time. However, a voter who is a parent, grandparent, or other person caring for a minor child may take the child into the voting booth.

(e) If a voter needs additional instruction after entering the voting booth, the voter may request assistance from the two (2) judges. The judges shall then approach but not enter the voting booth and call out additional instructions to the voter.

(f) After voting, the voter shall immediately leave the booth or compartment and announce to the poll clerks that the voter has voted.

The poll clerks shall make a voting mark after the voter's name on the poll list, and the voter shall leave the room.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.297; P.L.4-1991, SEC.105; P.L.3-1993, SEC.163.

IC 3-11-12-29.5

Voting booth occupation; time limits; refusal to leave

Sec. 29.5. (a) At a primary election, a voter may not remain in the voting booth longer than three (3) minutes.

(b) At a general, municipal, or special election, a voter may not remain in the voting booth longer than two (2) minutes.

(c) If a voter refuses to leave a voting booth after the lapse of time prescribed by subsection (a) or (b), the precinct election board, or the election sheriff or sheriffs upon the order of the board, shall immediately remove the voter from the booth.

As added by P.L.3-1987, SEC.298.

IC 3-11-12-29.8

Disclosure by voter of vote before its registration; effect; registration of occurrence

Sec. 29.8. If a voter shows or discloses to another person the candidates voted for or how the voter voted on a public question before the vote is registered, the vote may not be registered on the voting machine. A record of the occurrence shall be made on the poll list, and the voter may not vote again at the election.

As added by P.L.3-1987, SEC.299. Amended by P.L.10-1988, SEC.119.

IC 3-11-12-30

Closing of polls; locking of machines and opening counting compartments

Sec. 30. Subject to IC 3-12-2-5, as soon as the polls are closed, the inspector, in the presence of the judges and poll clerks, immediately shall lock each voting machine against voting and open each counting compartment, giving a full view of all the counter numbers to the members of the precinct election board and to the poll clerks and election sheriffs.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-31

Repealed

(Repealed by P.L.3-1987, SEC.570.)

IC 3-11-12-32

Repealed

(Repealed by P.L.3-1987, SEC.570.)

IC 3-11-12-33

Locking of machine after vote count; duration

Sec. 33. As soon as the vote count is completed, the inspector

shall close and lock each voting machine against voting or being tampered with. Each machine shall be kept locked as provided in section 35 of this chapter.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.300.

IC 3-11-12-34

Disposition of keys to locked machines

Sec. 34. After a voting machine is locked at the close of an election, the inspector shall:

- (1) place all the keys to the machine on a strong and sufficient string or wire;
- (2) label the keys with the make and number of the machine and the precinct where the keys were used during the election; and
- (3) return the keys to the county auditor not later than 11 a.m. of the day after election day.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-35

Keys to locked machine; secure keeping after election; time and circumstances for unlocking

Sec. 35. The county auditor shall securely keep the keys returned under section 34 of this chapter and may not permit the keys to be taken or a voting machine to be unlocked, except as provided by law, for sixty (60) days after the election unless:

- (1) ordered otherwise by a court;
- (2) required under IC 3-12; or
- (3) requested by the election division for the purposes of conducting an evaluation of the county's voting system.

As added by P.L.5-1986, SEC.7. Amended by P.L.3-1987, SEC.301; P.L.3-1993, SEC.164; P.L.8-1995, SEC.52; P.L.4-1996, SEC.69; P.L.3-1997, SEC.319.

IC 3-11-12-36

Certificates of number of votes cast for each person and other papers

Sec. 36. The certificates of the number of votes cast for each person shall be made and signed as required by IC 3-12, and the election officers shall make and sign all statements of the number of votes required by law in duplicate, triplicate, or otherwise. The certificates and other papers shall be returned to the circuit court clerk in the same manner and with the same penalties that are prescribed in IC 3-12 for election returns from precincts in which voting machines are not used.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-37

Paper recording roll to be locked in machine for at least 30 days and to be examined by a court

Sec. 37. In addition to the specifications required by IC 3-11-5-8 through IC 3-11-5-20, a voting machine may be supplied with a paper

recording roll on which all the votes registered on the mechanical counters will be separately recorded. If a machine is supplied with a recording roll, the roll may not be removed from the machine or examined by the precinct election board. The machine shall be locked with the recording roll and shall be kept locked for at least thirty (30) days, unless within that time the machine is ordered opened and the roll taken out and examined by a court. At the end of the thirty (30) days, the roll may be taken out unless ordered otherwise by a court.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-38

Use of voting machines; county election board to determine in what precincts machines to be used at election

Sec. 38. If a county has procured voting machines for use, the machines may be used at a municipal election. If there are not sufficient machines on hand for each precinct of the municipality, the county election board shall determine in what precincts machines will be used at the election.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-39

Use of voting machines; municipal election; expense of moving machines and furniture; payment for damage or loss

Sec. 39. If voting machines are used in a municipal election, the county election board shall furnish to the municipality:

- (1) the requisite number of machines; and
- (2) all the furniture and appliances that go with the machines.

However, the municipality shall pay the expenses of moving the machines and furniture to and from the polls, and also for any damage or loss to the machines or furniture.

As added by P.L.5-1986, SEC.7.

IC 3-11-12-40

Expiration of chapter

Sec. 40. This chapter expires January 1, 2006.

As added by P.L.209-2003, SEC.154.